

**AFFIDAVIT OF SPECIAL AGENT CHARLES E. SIMON
IN SUPPORT OF PRE-TRIAL DETENTION**

I, Charles E. Simon, being duly sworn, depose and state as follows:

I. INTRODUCTION

1. I am a special agent with the Federal Bureau of Investigation ("FBI") and have been so employed since 2011. As a special agent with the FBI, my duties include the investigation of organized street gangs and violations of law relating to firearms trafficking, possession of firearms by prohibited persons, and drug trafficking crimes. I have been the affiant on numerous affidavits in support of criminal complaints, search warrants and other applications, and have spent much of the last three years investigating gangs and gang-related activity in and around the city of Lawrence.

2. I am submitting this affidavit for the limited purpose of supporting the government's motion for detention pending trial of the following defendants: **JOSE APONTE, a/k/a "Kiko," ARISMENDY GIL-PADILLA, a/k/a "Flow," JONATHAN ARIAS, YISTHEN YNOA, a/k/a "Cantifla," ENRIQUE ROSARIO, a/k/a "Kike," JOHN HARRY MORALES, a/k/a "Harry," EMILIO RODRIGUEZ, KEVIN GOMEZ, a/k/a "Monkey," JOSE OMAR HERNANDEZ-ARAGONES, a/k/a "Omar," LUIS RUIZ GONZALEZ, and KEYSI BATISTA** (hereinafter collectively referred to as, "the Targets"). All of the Targets have been indicted on various drug and/or firearms violations returned since November 6, 2019. Some of the Targets are also alleged members and/or associates of the "Trinitarios," a violent New York-based street gang with a strong presence in and around the area of Lawrence, Massachusetts. This affidavit does not contain all the information I know about the Targets, the charges against

them, or the broader investigation into the activities of the Trinitarios in and around Lawrence, Massachusetts and elsewhere, but rather, sets forth the facts that I believe are sufficient to establish the foundation for an order of detention for the Targets.

II. BACKGROUND OF THE INVESTIGATION

3. For approximately the last two years, I have been the lead case agent on a multi-agency investigation targeting Trinitarios gang members, associates, and drug and gun suppliers operating in the Greater Lawrence area. Since the start of this investigation, law enforcement agents have purchased firearms, ammunition and various controlled substances, including heroin, fentanyl and crack and powder cocaine from the Targets. Through the use of monitored and controlled purchases made as part of this investigation, law enforcement has recovered a total of 79 firearms as well as a variety of controlled substances. All of the transactions were conducted in the Greater Lawrence area utilizing cooperating witnesses ("CW's") and/or an undercover officer ("UC"). The actual transactions as well as telephone conversations and text messages setting up the deals with the Targets were captured on video and/or audio recordings.

III. THE TRINITARIOS STREET GANG

4. The Trinitarios were established in the early 1990s on Rikers Island, the New York City jail, by two individuals from the Dominican Republic facing separate murder charges. The group later developed into a street gang.¹ Although heavily situated in the New York area, the presence of the Trinitarios in the Greater Lawrence area has increased over the past several years, and this investigation has revealed that there are numerous Trinitarios members operating and associating in Lawrence and surrounding communities. Many members of the gang are involved

¹ "National Gang Threat Assessment". National Gang Intelligence Center (2009). p. 16.

in a broad range of illegal activities including, but not limited to, firearms and drug trafficking and crimes of violence undertaken to protect the interests of the gang and its members.

A. Gang Members/Associates/Affiliates

5. Through my work on this investigation, I have developed information that a number of the Targets are Trinitarios gang members, associates or affiliates. This belief is based on statements made by certain Targets self-identifying as Trinitarios members, other Targets' associations with known Trinitarios, interviews conducted with confidential informants, cooperating witnesses and members of law enforcement, reviews of jail documentation and recordings, analysis of social media profiles and physical surveillance.

6. In addition to the Targets, this investigation has also resulted in state drug and firearm charges against 21 individuals. They are: Pedro Arias, Jonathan Delgado, Victor Diaz, Luis Diaz-Brito, a/k/a "Blackie," Yolvie Diaz-Martinez, Ulises Espinal, a/k/a "Ezequiel," Robinson Gaston-Santana, Francis Gotay, J.M.², Jose Nunez, a/k/a "Oreja," Anthony Nunez-Romano, Alexis Paredes, a/k/a "Cabeza," Kevin Perez-Lorenzo, Guaril Poche-Brito, a/k/a "Chamakito," J.R.², Kenneth Rodriguez, Temistocles Santana, a/k/a "Omar," Jael Guillen-Perez, Alan Acosta, Abigail Arias, and Eliezer Taveras, a/k/a "Bad Bunny." Through the methods discussed above, many of these individuals have also been identified as Trinitarios members and associates, including associates of the federal Targets that are the subject of this Detention Affidavit. These include Luis Diaz-Brito, Victor Diaz, Robinson Gaston-Santana, J.M., J.R., Eliezer Taveras, Jose Nunez, Anthony Nunez-Romano, Alan Acosta, Abigail Arias, Jael Guillen-

² These individuals are juveniles or were juveniles at the time they committed criminal offenses.

Perez, Temistocles Santana and Guaril Poche-Brito.

7. The Targets' membership in, or affiliation with, the Trinitarios increases the likelihood that, if released, they may engage in criminal acts, including acts of violence, against individuals they believe have cooperated with the government.

B. Recent Violence Perpetrated by the Trinitarios

8. The following are brief and recent examples of the type of violence perpetrated by the Trinitarios, as well as the public safety concerns raised by Trinitarios members and associates having access to firearms.

- a. On May 29, 2018, police arrested Eddy Almonte for the murder of 20 year-old Nike Colon. Almonte is a Trinitarios member. This shooting escalated the violence perpetrated by Trinitarios members and associates feuding with rival street gangs³.
- b. On August 13, 2018, police arrested Trinitarios member Wilmer Roque for shooting at a house on Kingston Street in Lawrence where children were present. No one was injured in the shooting⁴.
- c. On January 11, 2019, Christian Figueroa, a Trinitarios member, allegedly fired a gun into the air during a street fight. In the ensuing gun fight, a 16-year-old girl was shot in the head, but survived⁵.
- d. After a June 6, 2019 shooting, Jorge Diplan, an admitted Trinitarios member, was arrested for hiding the gun used in the shooting. The shooting was perpetrated by 20 year old Darling Margarin and two juveniles. Diplan claimed that he did not know a teenage boy was shot in the face during the June 6, 2019 shooting⁶.

3 Kiera Blessing, "Police: Shooting part of 'gang war' in city." Haverhill Gazette, June 28, 2018. https://www.hgazette.com/news/local_news/the-week-in-review/article_278a0348-b7b8-5e6d-a275-5b8b91156ea3.html

4 Paul Tennant, "Alleged gang member charged with shooting at Lawrence home: Accused of shooting at house where children were present" Eagle Tribune, August 15, 2018, https://www.eagletribune.com/news/merrimack_valley/alleged-gang-member-charged-with-shooting-at-lawrence-home/article_840d58b7-c2d8-572bb620-0bb70ac876e0.html

5 Jill Harmacinski, "Gang member held without bail in Lawrence shooting: Victim, 16, remains in serious condition after wound to head." Eagle Tribune, January 14, 2019, https://www.eagletribune.com/news/merrimack_valley/gang-member-held-without-bail-in-lawrence-shooting/article_ea034701-746b-5079-86fc-78582b12a50a.html

6 Jill Harmacinski, "Gang member charged in Lawrence shooting." Eagle Tribune, June 14, 2019,

- e. On October 29, 2019, Lawrence Police Department officers seized a firearm from a juvenile gang member. At that time, the Lawrence Police voiced concern that they are finding instances where older gang members have younger gang members, often teenagers, carry weapons because they face more lenient penalties in the juvenile justice system. Further, younger gang members and associates are carrying firearms for protection due to ongoing gang feuds.⁷

IV. THE TARGETS

9. Based on the intelligence developed in this phase of the investigation, agents began directing cooperating witnesses to make controlled purchase of narcotics and firearms from members and associates of the Trinitarios. Individuals were targeted based on their history of drug and firearms trafficking, their association with the Trinitarios, and their access to firearms.

10. The following is a list of the Targets together with a brief synopsis of their role in the investigation, and information regarding their gang association and criminal history. Information set forth below comes from sources I consider to be reliable including, amongst other things, a review of what the Targets did and said over the course of the investigation.

A. JOSE APONTE, a/k/a “Kiko”

11. JOSE APONTE is 33 years old and according to the Massachusetts Board of Probation (“BOP”), he has 54 entries on his adult record. APONTE was recently paroled in October 2019 after having been sentenced to a term of imprisonment by the Essex County Superior Court for a violation of probation on a drug distribution offense. He was previously sentenced to an earlier term of imprisonment for that same drug distribution offense along with accompanying

https://www.eagletribune.com/news/merrimack_valley/gang-member-charged-in-lawrence-shooting/article_079cca44-f56c-54cf-bce1-499a7222d22f.html

7 Jill Harmacinski, “Police: Gun seized from teen gang member in Lawrence,” Eagle Tribune, October 30, 2019, https://www.eagletribune.com/news/merrimack_valley/police-gun-seized-from-teen-gang-member-in-lawrence/article_418b7a00-9e9a-50df-9760-c8775d578c38.html

firearm offenses. APONTE has also been convicted and sentenced to imprisonment after charges including Assault and Battery with a Dangerous Weapon, Witness Intimidation, Larceny of a Motor Vehicle and Assault and Battery on a Police Officer. According to jail records, APONTE is a Trinitarios gang member.

12. During the course of this investigation, APONTE sold heroin and fentanyl to a CW during two controlled purchases and a firearm during a separate controlled purchase. The firearm was reported stolen out of Laconia, New Hampshire.

B. ARISMENDY GIL-PADILLA, a/k/a "Flow"

13. ARISMENDY GIL-PADILLA is 29 years old and according to the Massachusetts BOP, he has 18 entries on his adult record, including one open case for a drug distribution offense. GIL-PADILLA was also convicted and sentenced to a term of imprisonment in August 2014 for a drug offense in Rockingham Superior Court, New Hampshire. GIL-PADILLA has also been convicted and sentenced to imprisonment stemming from charges including Armed Robbery, Assault and Battery with a Dangerous Weapon, Armed Assault with the Intent to Rob and Larceny of a Motor Vehicle. According to jail records and social media analysis, GIL-PADILLA is a Trinitarios gang member.

14. During the course of this investigation, GIL-PADILLA sold sixteen firearms to a CW during the course of seven controlled firearm purchases. Five of the firearms were reported stolen out of states including New Hampshire, Maine and Indiana. Further, agents conducted seven controlled purchases of narcotics from GIL-PADILLA.

C. JONATHAN ARIAS

15. JONATHAN ARIAS is 29 years old and currently in custody at the Monroe County

Jail in Indiana on a pending drug distribution charge. ARIAS is a resident of Indiana, but has a Massachusetts BOP juvenile record. ARIAS was previously convicted and sentenced to a term of imprisonment stemming from charges in Indiana including Armed Robbery and Carrying a Firearm.

16. On July 11, 2018, ARIAS and Trinitarios member GIL-PADILLA sold seven firearms to a CW. Six of the seven firearms were originally purchased in Indiana. The seventh firearm was purchased in neighboring Ohio.

D. YISTHEN YNOA, a/k/a "Cantifla,"

17. YISTHEN YNOA is 34 years old and according to the Massachusetts BOP, he has 23 entries on his adult record. YNOA was previously sentenced to a term of imprisonment in Lawrence District Court for a violation of the Controlled Substances Act in a school zone and Possession with Intent to Distribute Cocaine. YNNOA was also previously sentenced to a term of imprisonment in Essex County Superior Court for Armed Assault with Intent to Rob.

18. During this investigation, YNOA was determined to be the cocaine supplier for ARISMENDY GIL-PADILLA, a Trinitarios gang member. Separate and apart from GIL-PADILLA's, YNOA personally distributed approximately two ounces of cocaine to a CW during two controlled purchases.

E. ENRIQUE ROSARIO, a/k/a "Kike"

19. ENRIQUE ROSARIO is 32 years old and according to the Massachusetts BOP, he has eight entries on his adult record, including a prior federal drug conviction. ROSARIO was sentenced on January 15, 2010 in federal court in the District of New Hampshire to 66 months' imprisonment, followed by 5 years of supervised release stemming from charges including

Conspiracy to Distribute Cocaine and Cocaine Base.

20. On May 4, 2018, ROSARIO sold two firearms to a CW. One of the firearms was a rifle reported stolen from Bloomfield, Michigan.

F. JOHN HARRY MORALES, a/k/a "Harry"

21. JOHN HARRY MORALES is 33 years old and according to the Massachusetts BOP, he has 38 entries on his adult record. MORALES' record also includes four closed restraining orders. MORALES was most recently convicted and sentenced on July 7, 2017 in Middlesex Superior Court to a term of imprisonment stemming from a charge of Assault and Battery with a Dangerous Weapon. MORALES is currently on probation resulting from the same case and has an outstanding probation warrant for his arrest. He has also been convicted and sentenced to a term of imprisonment stemming from charges including Assault and Battery with a Dangerous Weapon to a Child under 14, Witness Intimidation and Larceny from a Person. MORALES reported to a CW that he supplied Trinitario member, ARISMENDY GIL-PADILLA with firearms.

22. During this investigation, MORALES sold fourteen firearms to a CW during six controlled purchases. Two of the firearms were reported stolen from states including New Hampshire and Vermont. In addition, MORALES introduced a CW to EMILIO RODRIGUEZ, who, as is discussed below, a crack cocaine supplier.

G. EMILIO RODRIGUEZ

23. EMILIO RODRIGUEZ is 32 years old and according to the Massachusetts BOP, he has 16 entries on his adult record, including an open case in Lowell District Court for charges of Witness Intimidation and Assault and Battery. RODRIGUEZ was previously convicted and

sentenced in Lowell District Court to a term of imprisonment for charges including Possession of a Firearm with a Defaced Serial Number. RODRIGUEZ was also been convicted and sentenced to a term of imprisonment for the charge of Assault and Battery on a Police Officer. RODRIGUEZ is depicted in JOHN HARRY MORALES' social media posts.

24. During this investigation, RODRIGUEZ sold approximately three ounces of crack cocaine to a CW during two controlled purchases. RODRIGUEZ is a Lynn resident, but each controlled purchase occurred in the Greater Lawrence area.

H. KEVIN GOMEZ, a/k/a "Monkey"

25. KEVIN GOMEZ is 31 years old and according to Massachusetts BOP, he has 33 entries on his adult record. GOMEZ was previously convicted and sentenced in Lowell District Court for the charge of Possession of a Stolen Motor Vehicle. GOMEZ violated his probation on that case and was sentenced to a term of imprisonment on an accompanying charge of Possession of Burglarious Tools. He was also convicted and sentenced in Lawrence District Court for charges including Distribution of a Heroin and Assault and Battery. During this investigation, GOMEZ was observed meeting with JOHN HARRY MORALES, a suspected Trintarios gang associate, prior to selling a UC an AR-15 style rifle.

26. During this investigation, GOMEZ sold a UC four firearms during four separate controlled purchases. GOMEZ also sold suspected fentanyl to a UC during some of these controlled purchases.

I. JOSE OMAR HERNANDEZ-ARAGONES, a/k/a "Omar"

27. JOSE OMAR HERNANEZ-ARAGONES is 22 years old and according to the Massachusetts BOP, he has 10 entries on his adult record. HERNANEZ-ARAGONES has a

pending case in Essex County Superior Court for Assault and Battery with a Dangerous Weapon causing Serious Bodily Injury. HERNANEZ-ARAGONES was also previously convicted and sentenced in Boston Municipal Court on a reduced charge of Simple Assault. During this investigation, HERNANEZ-ARAGONES self-identified to a CW as a Trinitarios gang member. Further, agents have observed HERNANEZ-ARAGONES associating with individuals known to state and local police departments as Trinitarios gang members, including ARISMENDY GIL-PADILLA.

28. During this investigation, HERNANEZ-ARAGONES sold twenty-seven firearms to a CW during fourteen separate controlled purchases. Six of the firearms were reported stolen out of states including Massachusetts and New Hampshire. During two of these controlled purchases, HERNANEZ-ARAGONES also sold two body armor vests to the CW. Further, HERNANEZ-ARAGONES sold the CW cocaine and crack cocaine during four narcotics controlled purchases.

J. LUIS RUIZ GONZALEZ

29. LUIS RUIZ GONZALEZ is 27 years old and according to Massachusetts BOP, he has 22 entries on his adult record. After a probation revocation in Lawrence District Court, RUIZ GONZALEZ was sentenced to a term of imprisonment for Distribution of Heroin and Cocaine.

30. During this investigation, RUIZ GONZALEZ sold a Mossberg 12-gauge shotgun to a CW during a controlled purchase. RUIZ GONZALEZ also sold heroin and fentanyl to the CW on separate narcotics controlled purchases.

K. KEYSI BATISTA

31. KEYSI BATISTA is 30 years old, and according to the Massachusetts BOP, he has


19 adult entries on his record. BATISTA was previously convicted and sentenced in Essex County Superior Court to a term of imprisonment followed by probation for Possession with Intent to Distribute Heroin and Cocaine (Subsequent Offense). BATISTA has also been convicted and sentenced for other drug distribution offenses.

32. During the course of this investigation, BATISTA sold a CW approximately 100 grams of fentanyl during two controlled purchases. After the first controlled purchase, BATISTA served a portion of the aforementioned sentence in state custody. After his release from state custody for the drug distribution offense, BATISTA again sold the CW fentanyl during a controlled purchase.

V. CONCLUSION

Each of the Targets are charged with firearm and/or drug trafficking offenses in the Greater Lawrence area. As demonstrated by the violence perpetrated by the Trinitarios, several of the Targets' association with the Trinitarios, and the Targets' distribution of firearms and/or drugs, each Target poses a danger to the community. Each should therefore be detained pending trial.

Signed under the pains and penalties on November 14, 2019.

A handwritten signature in cursive script, appearing to read "Charles E. Simon", written in black ink.

CHARLES E. SIMON
SPECIAL AGENT
FEDERAL BUREAU OF INVESTIGATION